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REPORT OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Introduction

1. In my last report, of 8 February 1993 (S/25248), I informed the Security Council about the round of the peace talks on Bosnia and Herzegovina held in New York from 3 to 8 February 1993. Since then, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, Cyrus Vance and Lord Owen, have stayed in New York and continued to work for agreement on the comprehensive peace package (S/25221, annexes II-IV). This resumed round of the peace talks lasted from 1 to 6 March 1993.

2. The recent efforts of the Co-Chairmen centred on the three elements of the peace package, and an additional component on interim arrangements: first, building on the constitutional principles for Bosnia and Herzegovina; second, settling the boundaries of provinces in the areas where agreement has not yet been forthcoming from the government delegation and the Bosnian Serb side; third, addressing questions that had prevented the Bosnian Government from signing the military agreement; and, in addition, promoting agreement among the three Bosnian sides on arrangements for the governance of the country in the interim period between the signing of a peace settlement and the holding of elections under a new Constitution.

I. CONSTITUTIONAL ISSUES

3. As members of the Council are aware, the three sides in Bosnia and Herzegovina signed, on 30 January 1993, the nine constitutional principles on the basis of which a new Constitution for Bosnia and Herzegovina is to be drafted. The agreed constitutional principles are reproduced in annex I below.

II. PROVINCIAL BOUNDARIES

4. In my report of 2 February 1993, I transmitted to the Council a provincial map that the Co-Chairmen of the Steering Committee had placed before the three sides and had invited them to sign. The Bosnian Croat side signed the map on 30 January 1993 (S/25221, annex III).

5. In my report of 8 February 1993, I transmitted to the Council a revised map that the Co-Chairmen had put forward to the three sides (S/25248, annex III). The Bosnian Croat side had signed the revised map on 7 February.

6. The Bosnian government side and the Bosnian Serb side did not sign the map during the resumed round which ended on 6 March. With respect to the comprehensive peace package, a statement issued by the Bosnian Government upon the conclusion of this resumed round, 6 March, said: "... Progress had and continues to be made, and President Izetbegovic look(s) forward to returning to the United States toward the end of next week with the intention of moving the discussion forward to a successful conclusion ... We will continue our cause toward peace in good faith. We call upon others associated with the process to do the same." The Co-Chairmen made clear to all three sides that the provisional map would be the basis for the implementation of all interim arrangements until a final map has been agreed. The provisional provincial map recommended by the Co-Chairmen is reproduced in annex II below.

7. During the resumed round from 1 to 6 March, all aspects of the problem were extensively discussed and a number of new suggestions arose. In the light of their discussions with the three sides, the Co-Chairmen suggested the establishment of a Boundary Commission, to be set up by the Secretary-General in consultation with the Co-Chairmen. The Commission would receive and, if necessary, hear evidence from those affected by the proposed provincial boundaries and advise on the demarcation of the provinces to be included in the new Constitution. The Boundary Commission would consist of five persons: one each to be recommended by the three parties and two, one of whom shall be the Chairman, to be recommended by the Co-Chairmen. The decisions of the Commission would be adopted by consensus.

III. MILITARY AND RELATED ISSUES

8. In my report of 2 February 1993, I informed the Council that on 30 January the Co-Chairmen had invited the three sides to sign an agreement for peace in Bosnia and Herzegovina that dealt with the cessation of hostilities; the restoration of infrastructure; the opening of routes; the separation of forces; the demilitarization of Sarajevo; the monitoring of borders; and the return of forces to designated provinces (S/25221, annex IV). The Bosnian Croats and the Bosnian Serbs signed the agreement on 30 January. The Bosnian Government stated on 30 January that it would not sign the agreement because it felt that the arrangements as to the control of heavy weapons were not strong enough. The Co-Chairmen invited President Izetbegovic to consult with the Force Commander of the United Nations Protection Force (UNPROFOR) to obtain clarification that the Co-Chairmen believed would meet his concerns and enable him to sign the agreement.

9. The agreement for peace was formulated at a time when the Co-Chairmen were seeking additional resources so as to guarantee implementation of the agreement, allow physical control of heavy weapons, and permit sufficient

deployment to ensure physical separation of opposing forces. Subsequently, there have been some important developments:

(a) A Canadian battalion has now been deployed to Sarajevo and is positioned near the airport.

(b) Some countries have indicated that in the event of the achievement of an agreed peace settlement they would be prepared to help the United Nations implement that settlement. For instance, in a statement made on 10 February 1993, United States Secretary of State Warren Christopher stated that "the President has taken steps to make clear to all concerned that the United States is prepared to do its share to help implement and enforce an agreement that is acceptable to all parties. If there is a viable agreement containing enforcement provisions, the United States would be prepared to join with the United Nations, NATO, and others in implementing and enforcing it, including possible United States military participation. This is a shared problem, and it must be a shared burden".

(c) Discussions have taken place involving the Department of Peace-keeping Operations of the United Nations Secretariat, the UNPROFOR Commander and his colleagues, and representatives of NATO headquarters and of the Supreme Headquarters of the Allied Powers in Europe (SHAPE).

10. Furthermore, General Nambiar wrote to the Co-Chairmen on 2 March saying that, once substantial numbers of additional troops arrived in Bosnia and Herzegovina, it would be possible to deal fully with the concerns of both the Bosnian Government and the Bosnian Serbs. He considered that physical control of heavy weapons could be undertaken, thus meeting the concerns of the Bosnian Government, and that there would be adequate deployment of ground troops and observers to ensure physical separation of opposing forces, which would meet one of the concerns of the Bosnian Serbs.

11. In the light of these developments, the Bosnian Government agreed to, and signed, the military agreement on 3 March. The text agreed to and signed by all three sides is reproduced in annex III below.

IV. INTERIM ARRANGEMENTS

12. In my report of 2 February 1993, I informed the Security Council about the discussions the Co-Chairmen had held with the three Bosnian sides with regard to interim institutional arrangements. I noted that the Co-Chairmen had submitted a working paper on this subject and had invited the sides to comment on it (S/25221, annex V).

13. The latest round of discussions have proceeded on the basis that until the entry into force of a new Constitution and the holding of elections thereunder, the present Constitution of Bosnia and Herzegovina should, except to the extent required to implement sections IV A and B below, continue in force. Also, the present powers of the opstinas would continue, as would

their boundaries, except as required to conform to the agreed provisional provincial boundaries, or when changed by consensus.

A. Human rights and the reversal of "ethnic cleansing"

14. During the interim period, all persons in Bosnia and Herzegovina should be entitled to all rights provided for in the existing Constitution and in legislation in force, as well as to all rights provided for in specified international instruments on human rights. To the extent that there are any discrepancies, the provision providing the greater protection of human rights should be applied. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, should be treated as wholly null and void.

15. The implementation of the above-mentioned human rights should be ensured through:

(a) The courts of Bosnia and Herzegovina, to which all persons would have unimpeded access;

(b) An Interim Human Rights Court for Bosnia and Herzegovina, along the lines of that proposed by the Co-Chairmen for establishment by the new Constitution; and

(c) The four ombudsmen proposed by the Co-Chairmen for inclusion in the new Constitution, who would need to be supported by adequate staff and facilities.

16. In addition, it has been agreed that there should be an International Human Rights Monitoring Mission, to be established by the Secretary-General and to be headed by an Interim Human Rights Commissioner for Bosnia and Herzegovina, who would be based in Sarajevo. Deputy Commissioners would be based in various parts of the country. The Commissioner would be supported by international human rights monitors, deployed throughout the country and particularly in areas affected by "ethnic cleansing". They would observe the situation of human rights throughout Bosnia and Herzegovina, would intercede with the interim Presidency, with provincial authorities and with UNPROFOR to provide protection in urgent cases, would refer issues to the ombudsmen and to other human rights agencies as needed, and would work closely with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross and other humanitarian agencies. The Commissioner would submit regular reports to the Secretary-General who would, in turn, report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

17. The central and other authorities should be required to give the fullest access, in respect of all relevant persons and places, to the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors, as well as to UNHCR, ICRC and other international humanitarian organizations.

18. It is also envisaged that as part of the UNPROFOR deployment in Bosnia and Herzegovina there should be a sufficiently large United Nations civilian police (UNCIVPOL) element whose task would be to see that: the police in all parts of the country have an appropriately balanced ethnic composition; do not oppress members of minority ethnic groups; contribute positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee; carry out the judgements of courts, in particular the Human Rights Court; and assist the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors.

19. The question of war indemnities was raised by the Bosnian Government but no conclusion was reached.

B. Government arrangements

1. Background

20. During the period between the entry into force of the peace settlement and the holding of free and fair elections, there is a need for an interim institutional mechanism so that the country can function effectively. The drafting of a new Constitution for the Republic of Bosnia and Herzegovina is expected to take months. Also, it is very likely to take more than a year for the many refugees and displaced persons to return to their homes. Nevertheless, free and fair elections must be held within two years; the date will be fixed by the interim Presidency in consultation with the Co-Chairmen.

21. At the time of the November 1990 general elections in Bosnia and Herzegovina, the Constitution provided for the election to the collective Presidency of two representatives from each of the three constituent peoples, together with one "other". The two Muslim members elected from the SDA Party were Fikret Abdic and Alija Izetbegovic. The two Serb members elected from the SDS Party were Nikola Koljevic and Biljana Plavsic. The two Croat members elected from the HDZ Party were Franjo Boras and Stjepan Kljuic. The seventh member of the Presidency, Ejup Ganic, was elected from the "other" or "Yugoslav" category.

22. The Constitution provided that the position of President of the Presidency should rotate among the three constituent peoples and that the member of the Presidency designated as President was to serve in that capacity for one year, renewable for a second year. In December 1990 Alija Izetbegovic was nominated by the SDA to serve as the first President. The Presidency then confirmed the nomination. In December 1991, the Presidency extended the mandate of President Izetbegovic for a second year.

23. In early 1992, the two Serb members of the Presidency, Nikola Koljevic and Biljana Plavsic, withdrew, to protest the decision to hold a referendum on the proposed secession of the Republic of Bosnia and Herzegovina from the Socialist Federal Republic of Yugoslavia. The Serb President of the Bosnian Parliament, Momcilo Krajisnik, also withdrew. The Bosnian Serbs then declined

to participate in the referendum, which was held on 29 February and 1 March 1992.

24. Following the outbreak of hostilities in Bosnia and Herzegovina in April 1992, the remaining members of the Presidency invoked a provision of the Constitution which apparently provides that during times of war, the seven-member Presidency could be expanded to include the Prime Minister, the President of the Parliament, and the Commander-in-Chief of the Armed Forces. By the same decision, the collective Presidency also assumed the powers and responsibilities of the Parliament (S/25248, annex I).

2. Interim Presidency

25. Constitutional principle 5, signed by the three sides on 30 January 1993, provides that "the Presidency shall be composed of three elected representatives of each of the three constituent peoples" (see annex I below). Since this nine-member structure is to operate under the new Constitution, the Co-Chairmen have sought to apply the agreed structure in the arrangements for the interim period. During a meeting in Zagreb on 17 December 1992, President Izetbegovic and Mr. Boban specifically agreed to a nine-member structure for the interim period.

26. Keeping these factors in mind, the Co-Chairmen have discussed with the three sides the idea that they should nominate representatives to serve in an interim Presidency. The position of the President, to be elected by the interim Presidency, would rotate. The President would perform the role of head of State. The interim Presidency would be located in Sarajevo. The principal responsibilities of the interim Presidency would be as set out in document S/25221, annex V, section I. It would, naturally, be expected to act to ensure respect for human rights, in cooperation with the International Human Rights Monitoring Mission. It would also be expected to deal with the establishment and functioning of an International Access Authority, a National Power Authority, a National Bank, a National Post, Telegraph and Telecommunications Authority, an independent National Civil Aviation Authority, as suggested in document S/25221, annex V, sections V-IX. In addition to its national responsibilities, the interim central Government would administer any capital opstina that might eventually be agreed to in Sarajevo and have responsibility for its policing.

27. The Co-Chairmen also discussed with the three sides interim governmental arrangements in the provinces. They suggested that during the interim period, each province should have an interim provincial government composed of a Governor, a Vice-Governor and 10 other members. All these would be nominated by the parties on the basis of the composition of the population of the respective province, provided that none of the three constituent peoples would be left unrepresented in any province. To determine these relative percentages, the 1991 census was used. Consequently, the interim provincial governments would be composed as set out in document S/25221, annex V, "annex A". Decisions of the provincial governments would normally be taken by a simple majority, except that the adoption of the provincial constitution and the setting of opstina boundaries would be taken by consensus.

28. The principal functions of the interim provincial governments would be as indicated in document S/25221, annex V, section II. They would, naturally, be expected to act to ensure respect for human rights, in cooperation with the International Human Rights Monitoring Mission. An UNPROFOR Military Liaison Officer, as well as an UNCIVPOL Liaison Officer, would be attached to the staff of each provincial government to assist in the carrying out of its functions.

29. In the light of the ideas on interim governmental arrangements put to the three sides by the Co-Chairmen, President Izetbegovic, Foreign Minister Silajdzic, Mr. Boban and Prime Minister Akmadzic signed an agreement on 3 March 1993 which contained the following relevant provisions:

(a) The responsibilities of the Presidency and of the Government of the Republic of Bosnia and Herzegovina, as well as of the provinces, will be in accordance with the letter and spirit of the constitutional principles agreed and signed by the parties.

(b) The institution of the Presidency will be preserved during the interim period. There will be nine members on the interim Presidency, with three representatives from each of the three constituent peoples. Since the Republic of Bosnia and Herzegovina is to be demilitarized as provided for in constitutional principle 7, the Commander-in-Chief of the Armed Forces will not continue to serve in the interim Presidency.

(c) The nine members of the interim Presidency will designate one member to serve as President of the Presidency. The President will perform the role of head of State. The position of President will rotate every six months among the three constituent peoples in accordance with the existing sequence of rotation (Muslim, Croat, Serb).

(d) The interim Presidency will take its decisions by consensus of nine, by a qualified majority of seven, or by a simple majority of five depending on whether the decision relates to a constitutional principle, or specially important questions, or to normal business of the Presidency. If the members of the interim Presidency are unable to agree on the applicable majority, they will consult the Co-Chairmen, whose decision will be binding.

(e) The two sides have each submitted three names to the Co-Chairmen to serve in the interim Presidency. The Co-Chairmen have been requested to ask the Bosnian Serbs to propose three representatives to serve on the interim Presidency.

30. In subsequent discussions with the Co-Chairmen, the Bosnian Government, the Bosnian Serb and the Bosnian Croat sides discussed the functions of the interim Presidency and the interim central Government. The Bosnian Serb side again reiterated its wish for a central coordinating body that would be a new vehicle for government. They did not wish to revert back to the institution of the Presidency, which in their view had failed them in the past. The Co-Chairmen demonstrated why the interim Presidency was different: it was not a seven-member Presidency but a nine-member Presidency, with the three

constituent peoples fully represented. There was now a proper decision-making procedure, which would prevent stalemate, or one or two constituent peoples being able to impose on the other. The distribution of powers and competencies between the centre and the provinces were also identified in keeping with the agreed decision to create a decentralized Bosnia and Herzegovina.

31. The Co-Chairmen explained further that, in the interim period, where a consensus amongst the three constituent peoples was highly desirable in the aftermath of hostilities, the role of the interim Presidency and interim government would inevitably be more like that of a coalition government. This arrangement would not prejudge negotiations over a new Constitution, whereunder the role of the Presidency and a democratically elected Parliament and government would be bound to be different and reflect more accurately the will of the people. Even so, the Presidency would be bound to have important reserve powers to safeguard the rights of the constituent peoples.

32. The Co-Chairmen explained that the interim Presidency would be responsible for appointing ministers to the interim central Government and determining the role of such ministries as are deemed appropriate, and to establish the necessary agencies and other aspects of government. The principal responsibilities of the interim Presidency and the interim central Government would be as follows:

1. Preparations for the holding of free and fair elections, on the basis of the new Constitution, under international supervision;

2. Relations with ICFY, the Mixed Military Working Group, UNPROFOR (including UNCIVPOL), and the European Community Monitoring Mission (ECMM);

3. Coordination with the Commissioner for Human Rights, the Deputy Commissioners, and human rights monitors;

4. Coordination with UNHCR, ICRC, WHO and other relevant agencies on the return and rehabilitation of refugees and displaced persons;

5. Foreign affairs (including membership in international organizations);

6. International commerce (customs duties, quotas);

7. Citizenship;

8. Raising of any taxes required to carry out its functions;

9. Coordination of the provincial police;

10. Coordination of assistance for technical functions (e.g., crime laboratories); and

11. Coordination with international and foreign police authorities.

33. There was some discussion about the organization and structure of the police in the future. The Co-Chairmen, in their constitutional proposals of 27 October 1992, had proposed that all uniformed police should be controlled by the provinces or by local authorities under them. All police forces should be fully integrated. At the national level there would be no uniformed, armed police, but a coordinating office to assist the provincial police authorities and to maintain contacts with international and foreign police authorities (e.g., INTERPOL).

34. Discussions took place about arrangements for the governance of the provinces during the interim period along the lines contained in the working paper put forward by the Co-Chairmen for discussion (S/25221, annex V, section II) and on the understanding that it would be for the interim Presidency to give effect to these guidelines.

35. As to the governance of the province of Sarajevo, the Bosnian Croat side accepted the Co-Chairmen's compromise of the province being governed by three representatives each of the three constituent peoples. There was no agreement on the part of the Bosnian Government and the Bosnian Serb sides, each proposing different alternatives. It was apparent to the Co-Chairmen that the issue required further study. The Co-Chairmen said it would be possible for the whole issue of the future government of Sarajevo to be referred to the Boundary Commission, but that while such reference was being made, an interim provincial government still had to be established.

V. CONCLUDING OBSERVATIONS

36. Significant progress was made at this latest round of the peace talks. With the Bosnian Government's signature of the military agreement, seven out of nine signatures required for the conclusion of the peace settlement plan have been obtained. Additionally, President Izetbegovic assured the Co-Chairmen of his return to New York after a few days with the intention of successfully concluding the peace talks in New York. After six months of intensive negotiations, during which time the Co-Chairmen have persistently worked for a just and durable settlement, it is now crucial that the Bosnian Government and the Bosnian Serbs agree to and sign the provincial map as quickly as possible, so that implementation may commence. Agreement on the peace plan and its rapid and robust implementation offer the best prospect for improving the situation in Bosnia and Herzegovina.

Annex I

Agreement relating to Bosnia and Herzegovina

THE UNDERSIGNED

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights a/ and the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, b/

Recalling the statement of principles and the statement on Bosnia adopted by the International Conference on the Former Yugoslavia at its session in London and the Programme of Action on Humanitarian Issues agreed to at that session,

Considering the decisions of the United Nations Security Council relating to the former Yugoslavia,

Reaffirming their commitment to peace and security among the successor States to the former Yugoslavia,

Hereby agree as follows:

I. Constitutional framework for Bosnia and Herzegovina

Tripartite negotiations shall proceed on a continuous basis in Geneva, under the auspices of the International Conference on the Former Yugoslavia, in order to finalize a Constitution for Bosnia and Herzegovina in accordance with the following principles:

(1) Bosnia and Herzegovina shall be a decentralized State, the Constitution shall recognize three constituent peoples, as well as a group of others, with most governmental functions carried out by its provinces.

(2) The provinces shall not have any international legal personality and may not enter into agreements with foreign States or with international organizations.

(3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways.

(4) All matters of vital concern to any of the constituent peoples shall be regulated in the Constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group.

(5) The provinces and the central Government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The Presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be United Nations/European Community/Conference on Security and Cooperation in Europe supervised.

(6) A Constitutional Court, with a member from each group and a majority of non-Bosnian members initially appointed by the International Conference on the Former Yugoslavia, shall resolve disputes between the central Government and any province, and among organs of the former.

(7) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision.

(8) The highest level of internationally recognized human rights shall be provided for in the Constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms.

(9) A number of international monitoring or control devices shall be provided for in the Constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them.

II. Cooperation in respect of humanitarian efforts

1. Maximum cooperation shall be extended to the High Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Protection Force, the European Community Monitoring Mission and other humanitarian organizations working to provide assistance to refugees and displaced persons.

2. Full cooperation shall also be extended to the High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

(Signed) A. IZETBEGOVIC (Signed) R. KARADZIC (Signed) M. BOBAN

Witnessed by:

(Signed) C. R. VANCE (Signed) D. OWEN

Geneva, 30th day of January 1993

Notes

a/ General Assembly resolution 217 A (III).

b/ General Assembly resolution 47/135.

Velika Kladuša
Cazin
Bihać
Bosanska Krupa
Bosanski Novi
Bosanska Dubica
Bosanska Gradiska
Prijedor
Srbac
Laktaši
Prnjavor
Čelinac
Sanski Most
Banja Luka
Kotor Varoš
Bosanski Petrovac
Ključ
Mrkonjić Grad
Titov Drvar
Jajce
Šipovo
Bosansko Grahovo
Glamoč
Donji Vakuf
Travnik
Vitez
Novi Travnik
Bugojno
Gornji Vakuf
Kupres
Livno
Tešanj
Teslić
Doboj
Bosanski Brod
Derventa
Modriča
Odžak
Gradačac
Brčko
Bijeljina
Srebrenik
Lopare
Ugljevik
Dračenica
Tuzla
Lukavac
Maglaj
Zavidovići
Šepče
Kalesija
Živinice
Sokolići
Kladanj
Zenica
Kakanj
Vareš
Olovo
Vlasenica
Han Pijesak
Bratunac
Srebrenica
Visoko
Breza
Fojnica
Kiseljak
Kreševo
SARAJEVO
Sokolac
Pale
Rogatica
Višegrad
Rudo
Gorašde
Čajniče
Foča
Goražde
Prozor
Jablanica
Konjic
Duvno
Posušje
Mostar
Ljubuški
Čitluk
Grude
Ljubuški
Čapljina
Stolac
Neum
Ljubinje
Trebinje
Kalinovik
Nevesinje
Gacko
Bileća
Dubrovnik
Boban
Izetbegovic
Karadzic
Vance
Owen
BOSNIA AND HERZEGOVINA
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations

Annex II

Annex III

Agreement for peace in Bosnia and Herzegovina

THE UNDERSIGNED

Welcoming the invitation of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to participate in talks for the restoration of peace in Bosnia and Herzegovina,

Taking account of the constructive atmosphere of the peace talks held in Geneva from 2 to 5 January and the assistance of the Force Commander of the United Nations Protection Force, Lieutenant-General Satish Nambiar,

Keeping in mind the principles of the International Conference and the resolutions of the United Nations Security Council, in particular resolutions 752 (1992) and 787 (1992) pertaining to withdrawal of all outside forces from Bosnia and Herzegovina,

Wishing to bring the conflict in Bosnia and Herzegovina to an end without any further delay and to re-establish peace throughout the country,

Desiring to work out arrangements for bringing about compliance with a cessation of hostilities, and for monitoring it so as to ensure that it is effective and lasting,

Hereby agree on the following:

1. Measures for the achievement of an unconditional cessation of hostilities throughout Bosnia and Herzegovina, as set out in annex I to the present agreement;

2. Measures for the restoration of infrastructure in Bosnia and Herzegovina, as set out in annex II to the present agreement;

3. Measures on the opening of routes, as set out in annex III to the present agreement;

4. Arrangements on the separation of forces, as set out in annex IV to the present agreement;

5. Measures for the demilitarization of Sarajevo, as set out in annex V to the present agreement;

6. Measures for the monitoring of the borders of Bosnia and Herzegovina, as set out in annex VI to the present agreement;

7. Return of forces to designated provinces, as set out in annex VII to the present agreement.

A. IZETBEGOVIC (Signed) R. KARADZIC (Signed) M. BOBAN

Witnessed by:

(Signed) C. VANCE (Signed) D. OWEN

Geneva, 30th day of January 1993

[Annex I]

Cessation of hostilities

BROAD PRINCIPLES

All parties agree to support the broad principles required to support a cessation of hostilities. These broad principles will be translated into concrete action through additional discussion within the Mixed Military Working Group. Several of the principles will be dealt with on a stand-alone basis, although they remain an integral part of the overall framework of the cessation of hostilities.

The broad principles are:

A cease-fire must be put in place and remain effective. This is to be implemented 72 hours from midnight (New York time - EST) of the day on which the Security Council endorses this plan.

Monitoring and control measures are to be put in place to ensure compliance and should include as a minimum:

- Links between Commanders in conflict areas (hot lines);
- Provision of United Nations Protection Force/European Community Monitoring Mission liaison and monitors;
- Establishment of joint crisis management teams;
- Opening of confrontation line crossing-points. For use by the United Nations Protection Force and monitoring agencies.

The separation of forces is to be achieved.

Routes supporting the general freedom of movement of people, commerce and humanitarian aid are to be opened.

The restoration of infrastructure will proceed as a priority. Restoration will not be linked to any negotiations.

ESSENTIAL ELEMENTS

- Security Council endorses the plan - initiates all follow-on action (D-3). The 72 hours permit passage of information;
- Cessation of hostilities effective (D-Day);
- Declaration of forces - this is to take place on D-1 and should include:

- Numbers and locations of all heavy weapons,
- Detailed documentation of minefields,
- Location of front lines (traces),
- Defensive works and positions.

- Establish demarcation line (joint activity);

- Move in United Nations Protection Force forces to establish security (commencing D+1):
  - Monitor lines of conflict,
  - Monitor heavy weapons,
  - Reporting system (all parties).

- Withdrawal of heavy weapons:
  - Of calibre 12.7 mm and above; 5 days for Sarajevo and 15 days for remaining areas.
  - Locations to be determined based on effective ranges of weapon systems.
  - All such withdrawals will be supervised by the United Nations Protection Force and subsequently monitored at the designated locations by the United Nations Protection Force in order to prevent their use.

- Separation of forces:
  - Abandon defensive works on confrontation line,
  - Area of separation to be agreed,
  - Distance in which no forces, except police, allowed,
  - Distance within which no defensive works will be manned.

The separation of forces and withdrawal of heavy weapons are linked.

Mixed Military Commission is established to deal with any clarifications and breaches of the cessation of hostilities.

[Annex II]

Restoration of infrastructure

All parties agree that denial or use of civil utilities as a weapon of war is unacceptable, and all affirm their commitment to the full restoration of the civil infrastructure across Bosnia and Herzegovina, and in particular, Sarajevo.

The provision of humanitarian aid cannot be linked in any way with the military steps of the process of demilitarization or cessation of hostilities. Being humanitarian in nature, its priority is strictly governed by the ability of all three parties to support its implementation.

Restoration will be the first priority. Therefore, immediate efforts must be placed on the restoration of infrastructure. This is equally applicable to the city of Sarajevo as well as the rest of Bosnia and Herzegovina. It includes where applicable:

Power grids

Power stations

Bridges

Gas

Telecommunications

Railway lines

Routes

Water supply.

Guarantees of security will be requested and must be provided and the restoration of power/water/heat will be fully supported by the warring parties.

A joint committee is already in place in Sarajevo; the work of this committee is to be facilitated with immediate effect to enable early restoration of utilities in Sarajevo.

Assistance will be provided through all the appropriate agencies, including United Nations and civilian expertise. However, within Bosnia and Herzegovina, a joint commission composed of representatives of all sides is to identify the priorities, define the needs and execute the work in conjunction with civil authorities. To this end, vital installations will be identified in conjunction with Bosnia and Herzegovina joint commission:

- Access will be guaranteed after local arrangements are made.

- Forces will be withdrawn from sites consistent with security.

- Warring parties will provide, when necessary, liaison for the repair teams.

- Civil agencies/workers will be assisted.

Parties will work to re-establish infrastructure, including railways/power grids/wate supplies, across borders with neighbouring republics.

Respect for infrastructure facilities must be developed and they must remain free from attack or use as defensive positions.

All parties agree to develop a common instruction for passage down chains of command to demonstrate an equal endorsement of support.

[Annex III]

Opening of routes

The opening of routes is directly related to the political issue which concerns the freedom of movement of all people in the context of constitutional principles. It is equally applicable to Sarajevo as well as all other areas of Bosnia and Herzegovina.

It is to be achieved through:

- Security guarantees by all parties to ensure non-interference and protection of personnel and material using the routes.

- Non-interference on the route.

- Checkpoints, patrols, and monitoring by United Nations Protection Force/European Community Monitoring Mission, as appropriate.

- Supervised inspection at entry points.

- Freedom of passage of humanitarian aid.

- Absolute freedom of movement of United Nations forces.

The concept of blue routes for Sarajevo is appended hereto. This format is applicable for the establishment of all other similar types of routes within Bosnia and Herzegovina. Additional routes can be negotiated under the aegis of the Mixed Military Working Group.

Appendix

Sarajevo "blue route" concept

The parties have decided to establish three free passage routes with mutually agreed measures to guarantee and ensure safe passage for freedom of movement of civilians, commercial goods and humanitarian aid to and from Sarajevo.

These routes are:

- Sarajevo-Zenica-Sarajevo;
- Sarajevo-Mostar-Sarajevo;
- Sarajevo-Zvornik-Sarajevo.

Outline plan for blue routes

1. Execution

1.1 Prerequisites

The following prerequisites are to be required:

1.1.1 Cessation of hostilities.

1.1.2 Complete freedom of movement for United Nations Protection Force forces on the three blue routes.

1.2 Use of the blue routes

1.2.1 Timings

Routes will be open during daylight hours for convoys. United Nations Protection Force forces will use the routes 24 hours each day.

1.2.2 Access for civilians

All civilians, regardless of sex, age, or ethnic origin, and without weapons or ammunition, will be allowed to use the routes. Private and commercial vehicles will also be permitted on each route subject to inspection outlined in paragraph 1.5.1 below.

1.2.3 Access for humanitarian aid

All international and local humanitarian aid agencies will be allowed to use the routes. Humanitarian aid includes, but is not limited to, food, water, medical supplies and fuel.

1.2.4 Access for commercial goods

Normal commerce will be progressively restored to and from Sarajevo.

1.3 Establishment of routes

1.3.1 Sarajevo-Zenica-Sarajevo

This route incorporates Sarajevo-Rajlovac-Ilijas-Visoko-Zenica.

1.3.2 Sarajevo-Mostar-Sarajevo

This route incorporates Sarajevo-Ilidza-Hadzici-Tarcin-Jablanica-Mostar.

1.3.3 Sarajevo-Zvornik-Sarajevo

This route incorporates Sarajevo-Bentbasa-Mokro-Sokolac-Vlasenica-Zvornik.

1.4 Checkpoints

Checkpoints will be established and manned by United Nations Protection Force forces at the entrance and exit of each route and when crossing a line of confrontation. Each United Nations Protection Force checkpoint will be located near or with the checkpoint of the force controlling the territory involved consistent with the security requirements of the factions. No side will be permitted to erect a new checkpoint.

1.5 Control measures

1.5.1 Inspection procedures

(a) Inspections will be conducted by United Nations Protection Force forces. Each side is permitted to monitor the events in close coordination with the United Nations Protection Force.

(b) War-related material, weapons or ammunition are forbidden. If found, the items will be confiscated and subsequently destroyed under control of the United Nations Protection Force and the parties.

(c) Humanitarian aid convoys may be subjected to inspections.

(d) Checkpoints will be activated only during daylight hours as a safety measure for civilians and convoys.

1.5.2 Escorts

(a) Each convoy will be escorted with the appropriate United Nations Protection Force vehicles.

(b) Convoys and escorts will take priority over military activities.

(c) The Army controlling the territory involved may provide civilian police as an additional means of security.

1.5.3 Patrols

(a) United Nations Protection Force forces will patrol the blue routes as necessary.

(b) Patrols will consist of at least two vehicles suitably equipped and will contain an appropriate communications net.

(c) All United Nations Protection Force patrols will be permitted to cross all checkpoints.

1.6 Implementation

1.6.1 Suggested timeframe

D-3 - Security Council endorses the plan

D+1 - Erecting checkpoints

- Inspection procedures agreed

- Routes cleared of all obstacles

- Repairs carried out as required

- Reconnoitre by the United Nations Protection Force

D+5 - Opening of blue routes for civilians and humanitarian aid.

[Annex IV]

Separation of forces

The parties agree that the separation of forces is an element of the overall cessation of hostilities. An agreement will be based on the steps and control measures and sequence of events outlined below:

STEPS

The concrete steps envisaged in the process include:

- An absolute cease-fire.
- Temporary freezing of the military situation, pending agreement on return of forces to designated provinces.
- No forward deployments or offensive action.
- No move of additional forces, explosives and weapons forward will be permitted. Rotation on an individual basis is acceptable.
- Withdrawal of heavy weapons (direct and indirect fire) of all parties from areas of confrontation to areas out of range, decided upon by the parties in conjunction with the United Nations Protection Force.
- Physical separation of forces in contact.
- Security and monitoring of the demilitarized zone.

CONTROL MEASURES

The control measures required include:

- Declaration of forces in being, including location of minefields.
- Monitoring of front lines.
- Declaration of heavy weapons in separation areas.
- Establishing agreed lines on which forces may be located.
- Staged withdrawal of forces culminating in their relocation to designated provinces.

SEQUENCE OF EVENTS

- Cease-fire under aegis of the overall cessation of hostilities.
- Establishment and patrol of the demarcation line by United Nations Protection Force personnel.
- Withdrawal of designated weapons systems of all parties.
- Search and clearance of the affected area by joint patrols.
- Conduct of joint and United Nations-only patrols within the area. Composition of the patrols to be negotiated at the Mixed Military Working Group.

UNPROFOR CONCEPT FOR HEAVY WEAPONS CONTROL

- All heavy weapons 12.7 mm calibre and above are included.
- These weapons will be withdrawn out of effective range to areas decided between the United Nations Protection Force and the parties.
- The withdrawal will be monitored by the United Nations Protection Force.
- Once in location the weapons will be monitored to ensure that they are not used.
- The United Nations Protection Force will not physically take over the weapons.
- Where terrain such as towns preclude moving weapons out of range, they will be gathered in agreed locations under United Nations Protection Force control to ensure that they are not used.

[Annex V]

Demilitarization of Sarajevo

The demilitarization of Sarajevo is based on one requirement: an effective cessation of hostilities.

The other elements are:

- Establishment of control on a designated line;
- Restoration of civil utilities;
- Land routes and freedom of movement;
- Separation of forces along lines of confrontation.

Control measures include:

- Patrol and monitoring of the demarcation line;
- Checkpoints at major crossings until confidence is restored;
- Mixed patrols in the demilitarized zone.

A military/civil joint commission as previously proposed should oversee the implementation of the accord.

Appended hereto is a draft agreement covering first stage of a potential agreement on the demilitarization of Sarajevo. This stage covers the airport area as already discussed at the Mixed Military Working Group.

Appendix

Proposed agreement on the first stage of demilitarization of Sarajevo

The authorized representatives of all three conflicting sides with the presence of the United Nations Protection Force representative agree on the implementation of an area of separation in the western and southern districts of Sarajevo.

Cessation of hostilities

The cessation of hostilities will be implemented as follows:

(a) The freezing of the military situation on the existing lines.

(b) No offensive action allowed.

(c) No forward redeployments.

(d) All heavy weapons will be withdrawn from positions from which they can engage.

(e) No movement of any additional forces although rotation of personnel on a one-for-one basis shall be permitted.

(f) No movement or resupply of ammunition, explosives or incendiary devices.

Freedom of movement for all civilians

The agreement on blue routes will re-establish the freedom of movement of all civilians in support of this plan.

Restoration of civil utilities

A Joint Commission composed of representatives from each side will identify priorities, define needs and execute the implementation of civil utilities. Details can be found in annex II, Restoration of infrastructure.

Removal of heavy weapons

(a) Area. All heavy weapons will be withdrawn to designated locations from the following: Mojmilo, Dobrinja, Lukavica, Gornji, Kotorac, Vojkovici, Hrasnica, Sokolovici, Butmir, Ilidza, Otes, Stup, Nedarici.

(b) Joint Commission. A Joint Commission will be created.

(1) The mission of this Joint Commission will be to execute and implement details of this plan and subsequent phases.

(2) This Joint Commission will be composed of:

(a) A United Nations Protection Force command and support element.

(b) A team of each side commanded by an officer senior enough to make decisions and designated as the authorized commander for the troops in the area affected.

(c) A joint communications system which includes a command net and the necessary guaranteed communications link to each individual headquarters.

(c) Time-frame. From each district the withdrawal of heavy weapons out of the designated area will be carried out in two stages within a period of five days:

(1) Stage 1 - Withdrawal of all direct fire weapons of 12.7 mm calibre and above (tanks, armoured personnel carriers, anti-tank, anti-aircraft and heavy machine-guns).

(2) Stage 2 - Withdrawal of all heavy indirect fire weapons (mortars, field artillery).

(d) Control measures. The following implementation and control measures will be used:

(1) United Nations Protection Force forces will patrol the area of separation between the conflicting sides.

(2) United Nations Protection Force forces will be deployed on the confrontation lines and on agreed mixed checkpoints proposed by the Joint Commission.

(3) All parties are to identify weapons by type and locations and will provide the United Nations Protection Force with detailed maps of areas considered to be under their respective control.

(4) Complete freedom of movement for all United Nations Protection Force personnel and vehicles within the affected areas.

(5) The Joint Commission will establish mixed patrols as appropriate.

[Annex VI]

Monitoring of borders

Pursuant to United Nations Security Council resolution 787 (1992), paragraph 5, to prevent interference from outside the Republic of Bosnia and Herzegovina, the United Nations Protection Force/European Community Monitoring Mission will monitor borders with neighbouring republics.

Principles

United Nations Protection Force/European Community Monitoring Mission forces will monitor crossings to prevent weapons, munitions, military personnel or irregular forces from entering the country.

Borders with adjoining republics will be monitored.

United Nations Protection Force actions to observe, search and report will be facilitated by the authorities of the Republic of Croatia and the Federal Republic of Yugoslavia.

[Annex VII]

Return of forces to designated provinces

To enable the process of return to normalcy, and as a direct follow-on from the cessation of hostilities and the separation of forces, a return of forces to designated provinces will be conducted. This can start as part of the withdrawal of heavy weapons but, given the winter weather conditions, it is hard to fix a definite date for the completion of this process. We should however aim to achieve the return of forces within 45 days.

This stage will be coordinated with an agreed demobilization of forces in being.

The United Nations Protection Force/European Community Monitoring Mission will monitor the withdrawal of these forces in conjunction with national and provincial authorities.

The Mixed Military Working Group would be the technical negotiating agency.